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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,164	02/13/2002	Soohyun Ham	M-12511 US	8634
32681	7590	01/14/2005	EXAMINER	
PLANTRONICS, INC. 345 ENCINAL STREET P.O. BOX 635 SANTA CRUZ, CA 95060-0635			DABNEY, PHYLESHA LARVINIA	
		ART UNIT		PAPER NUMBER
				2643

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/076,164	HAM, SOOHYUN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phylesha L Dabney	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 September 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-7, 17, 19, 20, 22-26 and 28-31 is/are allowed.
- 6) Claim(s) 8-16, 18, 21 and 27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

This action is in response an amendment received on 3 September 2004 in which claims 1-31 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 8-16, 18, 21, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Vicamini et al (U.S. Application No. 2001/0017926).

Regarding claim 8, Vicamini teaches an ear clasp headset comprising: a speaker capsule (20) for transmitting sound to a user's ear, wherein the speaker capsule is capable of contacting an inner recess of the user's ear (fig. 1); a headset body (1) operably coupled to the speaker capsule, wherein the headset body (1) is capable of contacting an outer portion (fig. 1) of the user's ear; and a headset tail (12) operably coupled to the headset body, wherein the headset tail (12) comprises a curved structure capable of flexing open and close for contacting a lower portion of the user's ear.

Regarding claim 9, Vicamini teaches the headset body (1) further comprises an extension mechanism (7) for elongating the headset body (1) to a selected length.

Regarding claim 10, Vicamini teaches the headset body (1) and headset tail (12) are

operably coupled together by a movable joint.

Regarding claim 11, Vicamini teaches the headset tail (12) comprises an elastomer with grooves.

Regarding claim 12, Vicamini teaches the headset tail (7) comprises a wire (4, 6).

Regarding claim 13, Vicamini teaches the headset tail (12) is capable of contacting a back portion of the user's ear (fig. 1).

Regarding claim 14, Vicamini teaches a microphone (5, 30-31) operably coupled to the headset body (1).

Regarding claim 15, Vicamini teaches the microphone (5, 30-31) is embedded in a pod (5) along at least one wire (4, 6) coupling the transducer to an audio source (page 1, paragraph 0021).

Regarding claim 16, Vicamini teaches the microphone (5, 30-31) is operably coupled to a boom (4) which is operably coupled to the headset body (1).

Regarding claim 18, Vicamini teaches a speaker capsule (20) for transmitting sound to a user's ear from a transducer; a headset body (10) operably coupled to the speaker capsule, wherein the headset body comprises a curved structure housing at least one wire (4, 6) operably coupling the transducer to an audio source; a headset tail (12) operably coupled to the headset body, wherein the headset tail (12) comprises a curved structure capable of flexing open and close for contacting a lower portion of the user's ear; and a microphone (5, 30-31) operably coupled to the headset body (10) for transmitting sound from the user.

Regarding claim 21, Vicamini teaches a speaker capsule (20) for transmitting sound to a user's ear from a transducer; a headset body (10) operably coupled to the speaker capsule,

wherein the headset body comprises a curved structure housing at least one wire (4, 6) operably coupling the transducer to an audio source; a headset tail (12) operably coupled to the headset body, wherein the headset tail (12) comprises a curved structure capable of flexing open and close for contacting a lower portion of the user's ear; and a microphone (5, 30-31) operably coupled to the headset body (10) for transmitting sound from the user.

Regarding claim 27, Vicamini teaches a speaker capsule (20) for transmitting sound to a user's ear from a transducer; a headset body (10) operably coupled to the speaker capsule, wherein the headset body comprises a curved structure housing at least one wire (4, 6) operably coupling the transducer to an audio source; a headset tail (12) operably coupled to the headset body, wherein the headset tail (12) comprises a curved structure capable of flexing open and close for contacting a lower portion of the user's ear; and a microphone (5, 30-31) operably coupled to the headset body (10) for transmitting sound from the user.

2. Claims 18 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Skulley et al (U.S. Patent No. 6,449,374).

Regarding claim 18, Skulley teaches a speaker capsule (56) for transmitting sound to a user's ear from a transducer; a headset body (10) operably coupled to the speaker capsule, wherein the headset body comprises a curved structure housing at least one wire (62 ) operably coupling the transducer to an audio source; a headset tail (near 46) operably coupled to the headset body, wherein the headset tail (near 46) comprises a curved structure capable of flexing open and close for contacting a lower portion of the user's ear; and a microphone (60) operably coupled to the headset body for transmitting sound from the user.

Regarding claim 27, Skulley teaches a speaker capsule (56) for transmitting sound to a user's ear from a transducer; a headset body (10) operably coupled to the speaker capsule, wherein the headset body comprises a curved structure housing at least one wire (62) operably coupling the transducer to an audio source; a headset tail (near 46) operably coupled to the headset body, wherein the headset tail (near 46) comprises a curved structure capable of flexing open and close for contacting a lower portion of the user's ear; and a microphone (60) operably coupled to the headset body for transmitting sound from the user.

***Allowable Subject Matter***

3. Claims 1-7, 17, 19-20, 22-26, 28-31 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L Dabney whose telephone number is 703-306-5415. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 6, 2005

PLD



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